

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the standard set forth therein since the compendium provides that zinc oxide ointment shall contain not less than 18.5 percent of zinc oxide, whereas the article contained less than 18.5 percent of zinc oxide, and its difference in strength from the standard set forth in the Pharmacopoeia was not plainly stated on its label.

It was alleged to be misbranded in that the statement "Unguentum Zinci Oxidi Zinc Oxide Ointment U. S. P.," appearing on the label, was false and misleading since the article did not comply with the United States Pharmacopoeia standards.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1073. Adulteration and misbranding of Azone. U. S. v. 68 Bottles of Azone. Default decree of condemnation and destruction. (F. D. C. No. 9919. Sample No. 32512-F.)

On May 19, 1943, the United States attorney for the Northern District of Ohio filed a libel against 68 bottles of Azone at Cleveland, Ohio, alleging that the article had been shipped on or about February 9 and 22, 1943, by F. G. Schaaf, Minneapolis, Minn.; and charging that it was adulterated and misbranded.

Chemical analysis showed that the article consisted essentially of volatile oils including oil of Cassia and methyl salicylate, tannic acid, glycerol, alcohol 20.0 percent by volume, and water colored with a red dye. Bacteriological examination showed that the article, when diluted 1 part to 3 parts of water, failed to kill *Staphylococcus aureus* in 1 hour.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, (label) "Owing to its * * * antiseptic properties," and "DIRECTIONS MOUTH WASH—Any desired dilution may be used as often as desired."

The article was alleged to be misbranded in that the statements quoted above, which appeared in its labeling, were false and misleading as applied to an article that was not antiseptic in "Any desired solution"; and in that the statement in its labeling, "Alcohol 14.54%," was false and misleading since it was incorrect.

On August 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1074. Adulteration and misbranding of mild tincture of iodine. U. S. v. 45 Dozen Bottles of Mild Tincture of Iodine. Default decree of condemnation and destruction. (F. D. C. No. 9916. Sample No. 41326-F.)

Examination showed that this product contained in each 100 cc. not more than 1.46 grams of iodine, whereas the United States Pharmacopoeia (eleventh and twelfth revisions) provides that "Mild Tincture of Iodine contains, in each 100 cc. not less than 1.8 Gm. and not more than 2.2 Gm. of I."

On May 13, 1943, the United States attorney for the Southern District of Mississippi filed a libel against 45 dozen bottles of mild tincture of iodine at Jackson, Miss., alleging that the article had been shipped from on or about October 28, 1942, to January 7, 1943, from Memphis, Tenn., by McKesson and Robbins—Van Fleet Division; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it was represented as a drug the name of which is recognized in an official compendium; but its strength differed from the standard set forth in the compendium, and that difference was not stated on the label.

The article was alleged to be misbranded in that the statement "Mild Tincture of Iodine U. S. P.," appearing on its label, was false and misleading since the article did not comply with the United States Pharmacopoeia standard.

On November 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1075. Adulteration and misbranding of Orbolene. U. S. v. 122 Packages of Orbolene. Default decree of condemnation and destruction. (F. D. C. No. 9852. Sample No. 24783-F.)

On April 28, 1943, the United States attorney for the Eastern District of North Carolina filed a libel against 122 packages of Orbolene at Wilmington, N. C., alleging that the article had been shipped on or about February 26, 1943, by the Orbolene Co., St. Louis, Mo.; and charging that it was adulterated and misbranded.

Examination showed that the article consisted essentially of water, boric acid, glycerin, carbolic acid, ephedrine, and a red coloring material. Bacteriological tests showed that the article was not antiseptic.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess, i. e., antiseptic.

The article was alleged to be misbranded because of false and misleading statements in its labeling: (Vial carton label) "Orbolene promotes a * * * healthy condition of the eyes and is used * * * in the treatment of weak, inflamed, sticky, sore, irritated eyes and eyelids: acute and chronic catarrhal conjunctivitis, or congestion of the eye caused by colds, overwork or exposure to sun, wind, dust, etc. * * * antiseptic"; (circular) "Weak, tired and painful vision caused by dust, wind, strong light and close application to near work. * * * If * * * inflamed use Orbolene * * * Eye Troubles Close application to near work is the cause of much eye trouble. Mechanics and workers in offices and factories where the lighting system is poor frequently find that at the close of the day their eyes burn and sting. This condition can be helped by the use of Orbolene twice daily. * * * It is soothing and restful to eyes affected by Hay Fever and Rose Cold." The article was not effective in the treatment of the conditions stated and implied. It was alleged to be misbranded further (1) in that it was in package form and its label failed to bear an accurate statement of the quantity of its contents, since no statement of the quantity of contents appeared on the label of the vial, and the statement appearing on the carton, "Contents 7 c. c.," was incorrect; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of the active ingredients contained therein, since no statement of the active ingredients appeared on the carton, and phenol and hydrogen borate were not given their common or usual names of carbolic acid and boric acid, respectively, in the statement of active ingredients which appeared on the vial label.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1076. Adulteration and misbranding of prophylactics. U. S. v. 63 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 10109. Sample No. 47389-F.)

On June 18, 1943, the United States attorney for the Western District of Tennessee filed a libel against 63 gross of rubber prophylactics at Memphis, Tenn., alleging that the article had been shipped on or about April 19, 1943, by Hardy Newman & Co., from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Individual packages) "One Quarter Dozen '400' Latex Product * * * Rubber Prophylactic Devices."

Examination of 100 samples of the article showed that 15 percent were defective in that they contained holes.

The article was alleged to be adulterated in that its quality fell below that which it purported to possess.

It was alleged to be misbranded in that the statement "Prophylactic Devices," appearing on the label, was false and misleading as applied to the article.

On August 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE**

1077. Misbranding of wheat germ. U. S. v. Commander Larrabee Milling Co. (Minneapolis Milling Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 9677. Sample No. 37818-F.)

On October 21, 1943, the United States attorney for the District of Minnesota filed an information against the Commander Larrabee Milling Co., trading as the Minneapolis Milling Co., Minneapolis, Minn., alleging shipment on or about January 21, 1943, from the State of Minnesota into the State of Illinois of a quantity of wheat germ which was misbranded. The article was labeled in part: "P. W. G. (Pure Wheat Germ)."

* See also Nos. 1051, 1052, 1055-1061, 1068-1076.

**See also No. 1093.